

THE LINESCH FIRM

Practice Limited to Labor and Employment Law

David J. Linesch
~Board Certified~
Labor and Employment Law

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

July 3, 2013

Timothy McCausland, City Attorney
Gow Fields, Mayor
Lakeland City Hall
228 S. Massachusetts Avenue
Lakeland, FL 33801

VIA: Certified Mail and E-mail
timothy.mccausland@lakelandgov.net
gow.fields@lakelandgov.net

RE: Sue Eberle v. City of Lakeland - Lakeland Police Department

Dear Mr. McCausland and Mayor Fields:

Please be advised that we have been retained by **Sue** and **Ed Eberle** with regard to certain issues arising out of **Ms. Eberle's** employment at **City of Lakeland - Lakeland Police Department**. The intent of this correspondence is to advise you of these matters, and to ascertain your proclivity to discuss and resolve them short of formal, public and potentially costly litigation.¹ Further, please allow this to serve this as formal notice of claim under Florida statute.

Our investigation reveals an exceptional if not historic case of sexual harassment, coercion, and assault resulting in a work environment that was sexually toxic and resulted in extreme harm to my clients, **Sue** and **Ed Eberle**. Specifically, **Ms. Eberle** was forced to work in an environment rife with sexual innuendo, sexual proposition, sexual advances, and unwelcome sexual assault and battery. The sheer volume of the tortious acts at issue, as well as the lengthy duration of this

¹ Please note that although we have filed administrative charges with the appropriate federal and state agencies dealing with such discrimination claims, this is merely intended to preserve our client's rights to pursue these matters in court, if necessary. This filing is not intended to be contra-indicative of this initial attempt to resolve the case prior to a formal adjudication.

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conduct, leaves little doubt that this was an institutional problem and that the **City of Lakeland** and the **Lakeland Police Department** bear responsibility for the harm to my clients. As a victim of incest during her childhood, **Ms. Eberle** was ill-equipped to fight off the constant barrage of sexual harassment and assault. As **Ms. Eberle** has told investigators, she felt that she did not have the option of saying no because "*that's what I was supposed to do.*" This obviously was exacerbated by the fact that the individuals engaging in the sexual harassment and assault towards her were sworn Officers utilizing this status and its inherent power.

The acts as detailed in the **States Attorney's** report reveal a sickening and relentless sexual assault and battery on **Ms. Eberle** in the workplace and beyond. Frankly, in my thirty one (31) years of practice in the field of labor and employment law, I have rarely if ever seen such a sexually toxic and hostile work environment.

Ms. Eberle had few options at her disposal to protect herself. Thus, the sheer number of sworn Officers who were engaging in this course of activity, clearly indicates that this was the predominant culture. Many of the tortfeasors involved were supervisors, thus further underscoring the culture of acceptance of this sort of activity. Unfortunately, **Ms. Eberle's** supervisor, **Terri Smith** offered little support to **Ms. Eberle**. **Sergeant Smith** openly referred to **Ms. Eberle** as a "*feral cat.*" Obviously such a mean-spirited and hostile attitude does not offer a viable conduit of complaint to **Ms. Eberle** in trying to address the harassment and assault she endured.

We believe the sexual conduct at issue was so systemic as to have compromised the entire workplace environment. The sheer volume of misconduct and sexual assault clearly gives rise to a plethora of legal claims, including but not limited to; **negligent hiring/retention, negligent supervision, false imprisonment, assault and battery, as well as, gross sexual harassment.**

Ms. Eberle now finds herself on paid administrative leave with little to no future in law enforcement. This is despite **Ms. Eberle's** exemplary employment record. Further, the emotional harm suffered by **Ms. Eberle** and her husband is exceptional. In sum, the damages attributable to these claims is substantial.

It is our intent to earnestly and successfully prosecute this matter to the full extent of the law. Nevertheless, we approach you at this point in time to ascertain whether the **City of Lakeland**

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and its **Police Department** are ready to avoid the infliction of further injury usually attendant to such litigation, and do the right thing by working towards remediation of this culture, and the harm it has visited upon my clients.

Accordingly, please contact me at your earliest convenience to discuss this matter further, but no later than **Wednesday, July 17, 2013**. I remain,

Sincerely yours,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

DAVID J. LINESCH, ESQ.

DJL/jaa

cc: Sue and Ed Eberle